

### **REMARKS**

Claims 17-25 are now pending in the application. By this amendment, Claims 17-18 and 21-24 have been amended, Claim 25 has been added, and Claims 1-16 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 4 stands rejected for reciting the limitation "the bottom face" at line 4 without providing proper antecedent basis. In addition, Claim 14 stands rejected for introducing the phrase "a movable reflective film" at line 6 that is not distinguishable from the previously-recited phrase "movable film."

These rejections are respectfully traversed.

Applicant respectfully submits that these rejections are moot as Claims 4 and 14 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 5-12 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yokoyama et al. (U.S. Pat. No. 6,094,294).

Claims 4 and 17-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kowarz (U.S. Pat. No. 6,307,663).

These rejections are respectfully traversed.

Applicant respectfully submits that these rejections are moot as independent Claims 1, 4, and 13, as well as Claims 2-3, 5-12, and 14-16, respectively dependent therefrom, have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Applicant notes that Claims 17-24 are still pending in the Application. However, each of Claims 17-24 now depend, either directly or indirectly, from new Claim 25. Therefore, Applicant respectfully submits that the rejections pertaining to pending Claims 17-24 are similarly moot. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama et al. (U.S. Pat. No. 6,094,294), as applied to claim 13 above, in view of Kowarz (U.S. Pat. No. 6,307,663).

This rejection is respectfully traversed.

Applicant respectfully submits that these rejections are moot as 16 has been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

## **NEW CLAIMS**

Claim 25 is added for consideration. New Claim 25 calls for an optical modulator including a first substrate having at least one first groove having a movable reflective film that oscillates in accordance with an electrostatic force formed on the bottom face thereof. See Specification at pg. 8, Paragraph [0046] and FIG. 1A. In addition, independent Claim 25 calls for a light-transmitting second substrate opposing the first substrate and having at least one second groove having a transparent electrode formed on the bottom face thereof. See Specification at pg. 8, Paragraph [0048] and FIG. 1A. Furthermore, independent Claim 25 calls for the movable reflective film and the transparent electrode to form a picture element at an intersection of the first and second grooves. See pg. 9, Paragraph [0050] and FIG. 1A.

In this manner, the present invention discloses a first substrate (1) having at least one first groove and a movable reflective film (101) disposed generally within the at least one first groove and a second substrate (2) having at least one second groove and a transparent electrode (203) disposed generally within the at least one second groove. See Specification at FIGS. 1A-1C. Picture elements (P1, P2) are formed at intersection points of the at least one first groove and the at least one second groove such that the movable reflective film generally opposes the transparent electrode. See Specification at pg. 9, Paragraph [0050] and at FIGS. 1A-1C.

The Examiner relied on Yokoyama (U.S. Pat. No. 6,307,663) in rejecting now-cancelled Claim 4. Applicant notes that Yokoyama fails to teach a first substrate having a first groove and a second substrate having a second groove and therefore naturally fails to teach forming a movable oscillating member in a first groove of a first substrate


and a transparent electrode in a second groove of a second substrate. Yokoyama teaches a structure having a groove (16) formed in a *single* substrate (10). See Yokoyama at FIGS. 1 and 3. Therefore, Applicant respectfully submits that Yokoyama fails to teach each and every element of independent Claim 25. Accordingly, Applicant respectfully submits that independent Claim 25, as well as Claims 17-24, dependent therefrom, are in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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